Certainly. The suggestion is that it becomes law at the earliest opportunity. Retrospective effect can be given to amendments vehemently opposed and wrongly rejected. Unless the third reading is got through it cannot be submitted to His Highness. Without that being submitted the Royal Assent cannot be had and the earliest opportunity that we can have for the third reading is the first day of the Budget Session of Karkadagam, about four or five months hence. Hence the greatest need for doing this suspect the precedence of this House. Clause 2 becomes law and it comes into force at once. If it becomes law to-morrow suits can be filed day after to-morrow. If not the suits will have to wait till the Budget Session. That is the position.

Mr. C. V. Iyyu *(Kunnamkulam)*: Sir.....

Mr. President: I cannot allow any discussion. In view of what has been advanced by the Advocate-General I am quite satisfied that there is no need of suspending the Standing Order.

The Cochin Verumpattamdars Act (Amendment) Bill
(Mr. A. Eachara Menon)

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: By way of information I should like to know, what is the wording of the motion that was passed yesterday. That is because the Select Committee had reported for rejection of the Bill. It was by special leave of the Chair that the motion was made.

Mr. President: The Motion made was for the consideration of the Bill as it went to the Select Committee.

Mr. M. Sivarama Menon *(Advocate-General)*: Yesterday this House was considering all the aspects of the question in issue with regard to the question of conferring the right of eviction for self-cultivation. It passed a motion for consideration of the Bill and I held out an assurance to the House that on such a motion being passed Government will table amendments. The amendments have been placed on the table of the House to-day and copies circulated among all the Hon'ble Members during question time, and therefore I beg to move the amendments. Government can take appropriate action after the sense of the House is, at least informally, ascertained.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: That will be curious.

Mr. M. Sivarama Menon *(Advocate-General)*: The amendment proposes certain safeguards. In the case of a holding which has not been held by a verumpattamdar by himself or through his predecessors in interest uninterruptedly for a period of more than 12 years.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I rise to a point of order under Standing Order 37. This discussion cannot go on. Standing Order 35 says "The report of the Select Committee any minutes that may have been recorded by individual members of the Committee and if the Bill has been amended. The Bill as amended by the committee shall be printed and copies furnished to each Member of the Council. The report and the minutes if any and if the Bill has been amended the Bill as amended for such portion thereof as may have been amended shall also unless otherwise directed by the Select Committee be published in the Gazette in the languages in which the original Bill was published and such publication shall be made in the Gazette at least 12 days prior to the commencement of the meeting at which the Bill is to be considered by the Council." That is 12 days earlier but any member may object to its being taken if the copy of the report is not been made available. Now on the analogy of the Standing Order 37 since this amendment has not been available for us for our use and study and our own interpretation, I raise the point that this amendment cannot now be discussed.

Mr. President: I rule that there is no objection.

Mr. M. Sivarama Menon *(Advocate-General)*: The first safe-guard that is sought to be introduced is that if a verumpattamdar has been in possession of a holding uninterruptedly for 12 years, the lease is not liable to be disturbed by a suit for eviction or for any purpose whatsoever. Religious and charitable institutions or a company whether incorporated or not cannot exercise the right of eviction for self-cultivation. In the case of religious institutions and companies artificial persons cannot engage themselves in self-cultivation. The right of eviction when permitted should be confined to the extent of three acres per head of the family of the landlord. I think that the safeguards provided in the amendments are reasonably sufficient for the purpose of satisfying those landlords who think that they have been prejudiced. The denial of the right

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of eviction for self-cultivation was condemned in some Madras Dailies at the time when the original Bill was before this House. To satisfy the legitimate demands of the middle class people who are only jenmies in name something has to be done. We have fixed therefore the term as 12 years. I think it is a long march sufficient for the purpose of ensuring safety to the tenants. All these evictions are allowed for cultivation and limited to three acres.

Khan Sahib Ismail Hajee Eassa Sait *(Mattancheri)*: What is the difference between 5 acres and 12 acres?

Mr. M. Sivarama Menon *(Advocate-General)* Your argument, the argument of a landlord who has got more than 1000 acres in direct possession will not be appreciated really. That is all my answer. A person who does not possess an inch of land though he is the owner of several acres must have been cursing the legislators. All of us know that there has been an agitation. Let us give them something in the name of justice. My amendments will serve that purpose. For sub-clauses (2) and (3) of the Bill the following shall be substituted, namely.—

1. In section 8 of the Cochin Verumpattamdar's act (*a*) in sub-section (1).

after clause (*f*) and before the existing proviso, the following clause shall be inserted.

"9(*g*) that in the case of a holding which has not been held by a verumpattamdar by himself or through his predecessors uninterruptedly for a period of more than 12 years the jenmi or the intermediate landlord other than a religious or charitable institution or a company whether incorporated or not requires the holding except the kudiyiruppu of the Verumpattamdar, bona-fide for his own cultivation or for that of any member of his family or tarawad or thavazhi who has a proprietory or beneficial interest therein.

After that proviso the following shall be inserted as a further proviso and explanation.— "Provided further that in cases falling under clause (*g*) the extent from which a verumpattamdar may be evicted by a jenmi or intermediate landlord shall not together with the area of the land in the direct possession of the jenmi or intermediate land-lord or any member of his family or tarawad or tavazhi exceed an area calculated at the rate of 3 acres per head of the family jenmi or intermediary.

Explanation:—Forests, waste lands, lands used for fugitive cultivation or for residential quarters and where the eviction is sought on the ground that the land is required for cultivation by a member of the landlord's or intermediate landlord's family, tarawad or tavazhi in their own right as self-acquisition shall be excluded in calculating the area under the preceding proviso.

(*b*) In sub-clause (1) of sub-section (3) after the word and letter "clause (*f*)" the words, letters and "figure or sub-clause (1) of clause (*g*)" shall be inserted.

We will consider the question in the light of the opinions furnished by the House.

* **Mr. C. V. Iyyu** *(Kunnamkulam)*: I oppose the motion. One of the arguments advanced by the Hon'ble Law Member was that the matter was discussed in Madras papers. Of course Madras papers may be holding that view. Some of the papers have held the other view. In Bombay there is a paper dealing with questions on agriculturists. That congratulated the Government of Cochin in having done a great act in encouragement of the ryots. In the matter of young men going for higher education to Madras or England the person who is in possession of the property may hold it on Varam lease or Pankupattam lease. A person who has given a lease of land and goes to Madras cannot now evict the land. There may be rare cases and to satisfy the interests of one or two landlords it is not fair that a privilege which has once been extended should be curtailed and nullified in effect. All these things have been discussed threadbare in this House when this question was taken up. Even three acres, even one acre will affect very largely the interests of the governing tenants. Because a very large number of our tenants, especially those who are cultivating do not even cultivate more than one acre. The habitable area in the State is very low when compared with the acreage in the land. The percentage of population per acre is far more than almost all places in India. A large portion of our State consists either of reserved forests. or other forest areas where people cannot live; also back-waters. Excluding all that the portion where people can live is very little. In the land, in the Municipalities of the State, especially parambas, we have no fixity of tenure. The benefit of fixity of tenure goes only to very few when compared with other States or Provinces in British India. It is all an ideal, to keep his land for his own cultivation. If he wants only to cultivate why not he purchase land. I can understand the position of the Hon'ble Member for

*Speech not corrected by the Hon'ble Member.

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Anthikkad. That is not the question raised by this amendment. So I think we cannot, in consistence with the views already expressed, support the amendment. The Hon'ble Advocate-General has not raised sufficient points to convince many of the Members of this House that there is real case for such a thing. Even lawyers do not want such things. Why should the Government be so anxious when the representative of the landlords and two big landlords who represent the interests of the landlords are not even in their seats? Why should the Government be over anxious? The very same Government two years before passed this legislation which they themselves wanted. Otherwise will they be absent now? You want fairness to be done. Should there not be an aggrieved party? The representatives sitting here are not doing anything.

It is just like Ezhuvas not allowing depressed classes to enter their temples when they themselves are agitating for temple entry.

മിസ്റ്റർ കെ. എസ്സ്". പണിക്കർ: ഒരു വാക്കു പറയുവാനുണ്ട്". ഒരു point of order ഇവിടെ ലാമെമ്പർ raise ചെയ്യുകയുണ്ടായി. അഡ്വാക്കേറ്റ് ജനറാളുടെ പ്രസംഗത്തിൽ മറുപടിയായി പറയുവാനുള്ള പോയിൻ്റ് സിനെപ്പറ്റിയാണ്" അദ്ദേഹം പറയുന്നതു". അദ്ദേഹത്തിൻ്റെ ഭേദഗതിയെ ന്യായീകരിക്കുവാനുള്ള സകല ന്യായങ്ങളും അദ്ദേഹം ഞങ്ങളെ ധരിപ്പിക്കണം. വോട്ടുചെയ്യുവാനുള്ളവർ ഞങ്ങളാണ്". ഞങ്ങൾക്കറിയുവാനുള്ളതെല്ലാം കത്താവിൽനിന്നുതന്നെ കേൾക്കണം. അഡ്വാക്കേറ്റ് ജനറാൾ പറഞ്ഞ സകല പോയിൻ്റുകൾക്കും മറുപടി ഞങ്ങൾക്കു കേൾക്കണം. എന്നാലെ ഞങ്ങൾ വോട്ടുചെയ്യുകയുള്ളു.

***Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* A sense of duty, Sir, compels me to oppose this Bill and take it to its legitimate fate. Look at the mischief that is sought by our Government, which as far as Verumpattam Act is concerned has been proclaimed from house tops. They held and they still continue to hold the balance even between the communities at large consisting as it does of the jenmies as also of the tenants. That is the Proclamation made by the Government as far as this Bill is concerned. Now, as pointed out by the Hon'ble Member for Kunnamkulam, the agrieved party in a matter of legislating between the tenants and the jenmies especially with reference to cases of eviction is admittedly the jenmi. Will we be wrong in presuming that in the absence of the three big jenmies inclusive of two who were present to-day and also of the one big jenmi who was absent for this session are not seen their seat. Unless it is a case of our being justified in drawing the presumption that they have brief to the Government and the Hon'ble Member for Law was only arguing the case as a lawyer at times against his own conviction, as to argue his case when there is brief. The Government position with regard to an identical amendment tabled by the then jenmi Member of this Council (Amendment 47) is this. The Hon'ble Member realising his helplessness began his speech by saying "Mr. President, I shall move the resolution," that statement was explained by his consciousness the Government attitude being wery well known to him in their anxiety to hold the balance even between the two classes, they represented their reason for granting relief for eviction. Conscious of the position he did his duty what was the attitude. Did the Government do anything with regard to the reference. The Hon'ble Advocate-General got up in his seat and said. I have already indicated in the opening speech that if this Bill was taken into consideration in this House, when we are holding that view, as a matter of fact it will lead to abuses. Therefore rightly we are not for the position that that right should be given. Therefore rightly we are not for the position that that right should be given to jenmi for purposes of self-cultivation again their good attitude is shown in the words "we are open to conviction. We want the opinion of the Hon'ble Members which we want to respec at the earliest stage. We want the advice of the Hon'ble Members till we grow wiser. The Government is growing wiser by the speeches of the Hon'ble Members. Persons like me should be considered to be fools if this is done with the object of convincing them till they grow wiser. We must oppose this amendment. What is the position now wiser than the members representing jenmies and wiser than the Hon'ble Mover of the amending Bill which was rejected by the Select Committee but by some fluke at the third reading. What is the object of moving amendments at the third reading. Who is the authority? not we, the non-officials. A very important privilege left with the Government under the Standing Orders to rectify glaring injustices that may come into the act at the time of the second reading. It is to correct this mistake.

Mr. President: We are not in the third reading. We are in the second reading.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am glad that there is another reading.

*Speech not corrected by the Hon'ble Member.

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Mr. President: How much more time does the Hon'ble Member want?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* About 30 minutes, Sir.

Mr. President: The work of this Council is now finished.

Honourable Members,

The work of this Council is now finished. I have been asked before we separate, to provide an opportunity for Hon'ble Members to pay a tribute to the Chair. This request I have refused. The Chair has only tried to do its duty. Moreover, so far as anything can be certain, it is certain that I shall be here to preside over the next Council when it is constituted. I feel, therefore, that there is no need for Hon'ble Members to say good-bye to me on this occasion. On the other hand, the Council is now to be dissolved. Some Hon'ble Members may not seek re-election. Some of those who do seek re-election may not be so fortunate as to secure the suffrages of the majority of the voters in their constituencies. Some Hon'ble Members may return. There may also be changes among the ranks of nominated members. It is fitting that, before adjourning this Council for the last time, I should express to all Hon'ble Members my sincere appreciation of the courtesy which they have shown to me personally, and my thanks for their co-operation in the attempts which I have made to conduct the proceedings of the House smoothly and effectively. I am conscious that I am not in this Chair by the choice of the Hon'ble Members of the House; but I feel that if I had been elected to this position Hon'ble Members could not have been more considerate towards me or shown more co-operation with me than they have done. As we separate this afternoon, I wish you all the best good fortune. I shall look forward to meeting again those who return to the next Council while I hope that, so long as I remain in the State, I shall still, from time to time, have opportunities of meeting those who will not hereafter be Members of the Council. I know that we shall all, whether in the Council or outside it, continue to work for the advancement of the prosperity of all subjects of His Highness the Maharaja. Hon'ble Members, I wish you all Good-bye!

The Council was dissolved at 5. p. m.

N. S. RADHAKRISHNA SARMA

Secretary to the Council

Appendix I

(See answer to Question No 402)

List of applicants

1. The Indian Cashewnuts and Plantations Ltd., Trichur.
2. Malabar Cashewnuts and Produces Ltd., Trichur.
3. Kannampuzha Inasu Anthappan and others, Vadakkancheri.
4. K. P. Lonappan and Sons, Rice and Oil Mills, Irinjalakkuda.
5. Mr. C. K. S. Moni. M.L.C., Trichur.
6. Messrs. M. P. Pathrose and V. P. Ittikkuru, Irinjalakkuda.
7. The Cochin Sagos, Kokkalai, Trichur.
8. Mr. Krishnaswami Pillai, Kozhinjampara, Chittur Taluk.
9. Mr. A. K. T. K. M. Vasudevan Nambudiripad, Trichur.
10. Mr. V. C. Joseph (mass petition), Pariyaram.
11. K. J. Lazar and Bros., Irinjalakkuda.
12. Mr. P. V. Pappu, Narakkal.
13. Mr. Kamanpilly Ouseph Anthony, Irinjalakkuda.
14. V. Chummar Kochappan and others of Mukundapuram Taluk.
15. Mr. K. T. Achyutan, M.L.C., Trichur.
16. The Valcan Industries, Kolazhi, Trichur.
17. Mr. K. P. Balakrishnan, Mattancheri.
18. The Kavasacs Ltd., Ernakulam.
19. Mr. A. L. Thavoo, Velur.
20. Mr. Kampilly Ouseph (through Mr. P. Govinda Menon, Advocate, Ernakulam.)

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